

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

LARRIANTE SUMBRY,

Petitioner

v.

CIVIL ACTION NO. 2:06-0308

INDIANA STATE PRISON and
ED G. BUSS and
INDIANA GOVERNOR,

Respondents

MEMORANDUM OPINION AND ORDER

On April 27, 2006, petitioner instituted this action with a petition for a writ of habeas corpus.

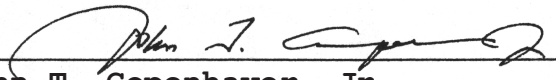
The court received the proposed findings and recommendation of the magistrate judge filed on May 11, 2006, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B). As noted therein, the petitioner was neither convicted, nor is he incarcerated, in this district. Petitioner's objections, filed May 23, 2006, are not responsive to the magistrate judge's findings and recommendation. Indeed, they are practically indecipherable.

Based upon the foregoing, and the proposed findings and recommendation of the magistrate judge, which are hereby adopted

and incorporated herein, the court concludes that it lacks subject matter jurisdiction over this action. The court, accordingly, concludes that this action should be, and it hereby is, dismissed and stricken from the docket.

The Clerk is directed to forward copies of this written opinion and order to the movant, all counsel of record, and the magistrate judge.

ENTER: July 19, 2006



John T. Copenhaver, Jr.
United States District Judge